

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRCM ADVISERS LLC, et al.,

Plaintiffs,

-against-

TWO HARBORS INVESTMENT CORP.,

Defendant.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/2/2023

20-CV-5649 (LAK) (BCM)

**ORDER SCHEDULING
DISCOVERY CONFERENCE**

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed plaintiffs' letter-motion dated April 21, 2023 (Pl. Ltr.) (Dkt. 293), seeking an order quashing defendant's first set of requests for admission (RFAs); defendant's opposition letter, filed on April 26, 2023 (Dkts. 295, 296); and plaintiffs' reply letter, filed on April 28, 2023 (Dkt. 299). A conference on the motion will be held before Judge Moses on **May 17, 2023, at 11:00 a.m.**, in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. It is the Court's practice, where possible, to resolve discovery disputes at the conference, without resort to formal motion practice.

The Court notes that plaintiffs object to defendant's RFAs: (1) because there are 658 of them; (2) because certain individual RFAs cannot be admitted or denied without explanation or qualification due to the way they are worded (for example, because they are complex, compound, and/or vague, ask plaintiffs to "adopt [defendant's] characterization of the facts," "rely on disputed (or false) premises," or are "phrased as hypotheticals"); and (3) because defendant served multiple RFAs with respect to certain topics that plaintiffs believe to be marginally relevant to the parties' claims and defenses. *See* Pl. Ltr. at 1-4. According to plaintiffs, "hundreds" of RFAs fall into the second category, *id.* at 2, while "scores" "relate to harassing and irrelevant topics." *Id.* at 4.

The Court believes it would be useful to identify these categories more precisely for discussion at the conference. Consequently, no later than **May 15, 2023**, plaintiffs shall submit a

letter in which they list, by number, each RFA that they contend to be individually objectionable due to its wording, and each RFA that, in their view, relates only to a "harassing or irrelevant topic." In addition, as to the individually objectionable RFAs, plaintiffs shall identify (without argument) up to 10 exemplars, which both parties shall be prepared to discuss at the conference.

As to the RFAs that do *not* fall into either the second or the third categories, the Court suggests that plaintiffs answer them, agree upon a date by which they will answer them, or make alternative arrangements (*e.g.*, a joint stipulation) to confirm the relevant facts. In their letter due May 15, 2023, plaintiffs shall update the Court (again, without argument) as to whether the parties have reached agreement as to these (or any other) RFAs.

Dated: New York, New York
May 2, 2023

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge